

1 Katherine F. Parks, Esq. - State Bar No. 6227
2 Thorndal Armstrong Delk Balkenbush & Eisinger
3 6590 S. McCarran Blvd., Suite B
4 Reno, Nevada 89509
5 (775) 786-2882
6 *Attorneys for Defendants*
7 *HOUSTON SPECIALTY INSURANCE COMPANY*
8 *AND ENGLE MARTIN & ASSOCIATES, LLC*

9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MARINA GARDENS — BDS, LLC, a
13 Nevada Limited Liability Company; MARINA
14 GARDENS — RAF, a Nevada Limited
15 Liability Company,

16 Plaintiff,

17 VS.

18 HOUSTON SPECIALTY INSURANCE
19 COMPANY, a Texas Corporation; ENGLE
20 MARTIN & ASSOCIATES, LLC, a Georgia
21 Limited Liability Company; DOES 1-XXX;
22 And ABC CORPORATIONS A-Z; inclusive,

23 Defendants.

CASE NO. _____

NOTICE OF REMOVAL

24 **To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA AND THE**
25 **PLAINTIFFS, MARINA GARDENS — BDS, LLC AND MARINA GARDENS — RAF, AND**
26 **THEIR COUNSEL OF RECORD, PATRICK R. LEVERTY, ESQ., LEVERTY & ASSOCIATES,**
27 **LAW CHTD**

28 PLEASE TAKE NOTICE that on January 31, 2019, Defendants Houston Specialty
Insurance Company ("HSIC") and Engle Martin & Associates, LLC. ("ENGLE"),
contemporaneously, with the filing of this Notice, removed the above-referenced action from the
Second Judicial District Court of the State of Nevada, in and for the County of Washoe, to this
District Court of the United States, District of Nevada. The removal is based upon the following

grounds:

I. INTRODUCTION

This action is a civil action over which this Court has original jurisdiction under provisions of 28 U.S.C. §1332, and one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §1441(b). Suit has been brought between citizens from different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interest.

II. PROCESS, PLEADINGS AND ORDERS RECEIVED BY HOUSTON SPECIALTY INSURANCE COMPANY

HSIC was served with the summons and complaint in this matter on January 2, 2019, a copy of which is attached hereto as Exhibit "1." Engle was served with the summons and complaint on January 22, 2019.

III. THE COURT HAS JURISDICTION UNDER 28 U.S.C. 41332

A. There is Diversity of Citizenship.

Per the allegations of the Complaint, Plaintiff Marina Gardens BDS, LLC, is a Nevada limited liability company.

Per the allegations of the Complaint, Plaintiff Marina Gardens - RAF, is a Nevada limited liability company.

Per the allegations of the Complaint, HSIC is a Texas corporation.

Per the allegations of the Complaint, Engle is an independent adjuster for insurance companies licensed to perform services in the State of Nevada.

B. The Amount in Contrwersv Exceeds \$75,000.00.

The Complaint incorporates by reference a letter from May 7, 2018, in which Plaintiffs demand in excess of \$75,000.00 due and owing under the terms and conditions of a property insurance policy for property damage resulting from a fire at the subject property. Based upon

1 this initial information, it appears that the amount in controversy exceeds that required to invoke
2 the jurisdiction of this Court.

3 **IV. REMOVAL IS TIMELY.**

4 Plaintiffs filed their Complaint in the Second Judicial District Court on December 26,
5 2018. HSIC was served with the summons and complaint on January 2, 2019. Defendant Engle
6 Martin & Associates, LLC, a Georgia Limited Liability Company ("EMA"), was served on
7 January 22, 2019. EMA has confirmed that it will consent to removal. This Notice of Removal
8 is timely pursuant to 28 U.S.C. §1446(b).
9

10 **V. DEFENDANT HAS MET ALL OTHER REQUIREMENTS FOR REMOVAL.**

11 1. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332.
12 Removal is proper under 28 U.S.C. §1441.
13

14 2. HSIC attaches to this notice, copies of all papers and pleadings it has received in this
15 matter.
16

17 3. HSIC has concurrently filed a copy of this Notice in the Second Judicial District Court
18 in and for the County of Washoe.

19 4. HSIC has served a copy of this Notice upon counsel for Plaintiffs.

20 DATED this 31st day of January, 2019.

21 THORNDAL ARMSTRONG
22 DELK BALKENBUSH & EISINGER

23 By: // Katherine F. Parks, Esq. //

24 Katherine F. Parks, Esq.
25 State Bar No. 6227
26 6590 S. McCarran Blvd., Suite B
27 Reno, Nevada 89509
28 (775) 786-2882
Attorneys for Defendants
HOUSTON SPECIALTY INSURANCE COMPANY
AND ENGLE MARTIN & ASSOCIATES, LLC

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that **I am an employee of** THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER, and that on this date I caused the foregoing **NOTICE OF**
REMOVAL to be served on all parties to this action by:

✓ placing an original or true copy thereof in a sealed, postage prepaid, envelope in the
United States mail at Reno, Nevada.

United States District Court, District of Nevada CM/ ECF (Electronic Case Filing)

_____ personal delivery

_____ facsimile (fax)

_____ Federal Express/UPS or other overnight delivery

fully addressed as follows:

Patrick R. Levelly, Esq.
LEVERTY & ASSOCIATES LAW CHTD.
832 Willow Street
Reno, Nevada 89502
Attorney for Plaintiffs

DATED this 31st day of January, 2019.

// Sam Baker

An employee of THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	NO. OF PAGES
1	Complaint	13